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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,721	01/26/2004	Steven Joseph Hamrock	57079US005	8648

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EXAMINER

O SULLIVAN, PETER G

ART UNIT PAPER NUMBER

1621

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,721	Applicant(s) HAMROCK, STEVEN JOSEPH	
	Examiner Peter G. O'Sullivan	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1621

Claims 1-8 are pending in this application. The rejection of the claims under 35 U.S.C. 102(b) as anticipated over Sommer et al., US 3891,619 is withdrawn in view of applicant's arguments. The search has been extended to include applicants' non-heterocyclic, non-polymeric, carboxylic acid compounds wherein Q is N with all other compounds and claims 4-6 withdrawn.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hindermann et al., U.S. 3,673,221, who disclose 1-amino-9,10-dihydro-9,10-dioxo-4-[5-[(6-sulfometanilyl)sulfamoyl]-3-4-xylidino]-2-anthracenesulfonic acid and other anticipating compounds.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg, Chem Abst. 102:54241, Alexandrovich et al., U.S. 4,480,022, Ingle et al., Chem Abst. 90:121112, Bodesheim et al., GB 1,194,607, and Caldwell et al., U.S. 3,546,180. Goldberg discloses 3,3'-[iminobis(sulfonyl)]bis[4,6-dichloro-benzoic acid] acetate and other anticipating compounds. Alexandrovich et al. disclose 5-[[[(4-methylphenyl)sulfonyl]amino]sulfonyl]1,3-benzenedicarboxylic potassium salt. Ingle et al. disclose 5-[[[(4-(acetyl amino)phenyl)sulfonyl]amino]sulfonyl]-2-benzoic acid. Bodesheim et al. discloses 5,5'-(iminodisulfonyl)dianthranilic acid and other anticipating

Art Unit: 1621

compounds. Caldwell et al. disclose 4-[[[(phenylsulfonyl)amino]sulfonyl]benzoic acid and other anticipating compounds.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hindermann et al., U.S. 3,673,221. Hindermann et al. disclose acid anthraquinone dyestuffs of their general formula III wherein X may be hydrogen or sulfonate and wherein B may be an amino substituted optionally further substituted phenylsulfonylamino moiety. The instant invention differs from the teaching of the cited reference in that although anticipating compounds are disclosed, not all of applicants' compounds are exemplified. It would have been prima facie obvious at the time the invention was made to one of ordinary skill in the art to start with the teaching of Hindermann et al., and, especially in view of anticipating compounds already made, to make further generically disclosed compounds and to expect them to be useful as dyestuffs.


Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell et al., U.S. 3,546,180, who discloses disulfonamido compounds which improve dyeability of polyester dyestuff. In the compounds of Caldwell et al., X and Y are arylene optionally substituted with chlorine and further substituted with carboxyl and alkyl (s. Col. 1, lines 13-34). Caldwell et al. disclose anticipating compounds as noted

Art Unit: 1621

above. The instant invention differs from the teaching of Caldwell in that not all of applicants' compounds are actually exemplified. It would have been prima facie obvious at the time the invention was made to one of ordinary skill in the art to start with the teaching of Caldwell et al., to make further generically disclosed compounds, especially in view of the anticipating compounds noted above, and to expect to produce disulfonamido compounds useful in improving the dyeability of polyesters.

No claim is allowed.

Any inquiry concerning this communication should be directed to Peter G. O'Sullivan at telephone number (571)272-0642.


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